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VIA ELECTRONIC FILING

February 13, 2003

Marlene Dortch Secretary Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554

Re: Ex Parte Presentation

CC Dockets 01-338, 98-147, 96-98

Please find attached for filing in the above-referenced dockets, a written *ex parte* letter on behalf of EarthLink, Inc. A copy of this letter and the attachment will be sent this day via e-mail to Chairman Powell and Commissioners Martin, Adelstein, Abernathy, and Copps.

Should you have any questions regarding this matter, please feel free to contact our office.

Sincerely,

/s/

Mark J. O'Connor Counsel for EarthLink, Inc. 1750 K Street NW Suite 600 Washington, DC 20006

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VIA ELECTRONIC FILING

February 13, 2003

Chairman Michael Powell Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554

Re: *Ex Parte* Presentation

CC Dockets 01-338, 98-147, 96-98

Dear Chairman Powell:

On behalf of EarthLink, Inc., this letter is to respond to the February 6, 2003 *ex parte* proposals of the National Association on Regulatory Utility Commissioners (NARUC). As you know, Earthlink continues to urge the Commission to maintain line-sharing as a critically important federal unbundled network element (UNE) available to competitive LECs. In that context, therefore, EarthLink supports proposals -- such as that at Section II.B of NARUC's February 6th "UNE Triennial Review: Principles and Standards for State Commissions" -- for the federal list of UNE's to include line sharing.

Pursuant to the FCC's *ex parte* rules, a copy of this letter will be submitted this day in each of the above-referenced dockets.

Sincerely,

/_S/

Mark J. O'Connor Counsel for EarthLink, Inc.

CC: Commissioner Martin
Commissioner Adelstein
Commissioner Abernathy
Commissioner Copps